# RECENT IMPORTANT DECISIONS.

APPEAL AND ERROR—"PERSONS AGGRIEVED."—Where a statute provided that "any person aggrieved by any final judgment or decision of any district court" etc. "in any civil case" might take an appeal or sue out a writ of error, the question was whether an administrator de bonis non, who was not a party to the record in the original suit, was entitled to prosecute an appeal from a final judgment therein. *Held* he might appeal upon making a showing by evidence dehors the record, that his rights were injuriously affected by the judgment. *Bass* v. *Occidental Life Insurance Co.* (N. M. 1913) 135 Pac. 1175.

In the absence of statutory extensions of the right to prosecute an appeal the general rule is that it is limited to one who was a party to the original suit or a privy to the extent that his privity of estate, title, or interest appeared of record. *Hunt* v. *Houtz,* 62 Ala. 36; *Norton* v. *Walsh,* 94 Cal. 564; *Fischer* v. *Hanna,* 21 Colo. 9; *Swift* v. *Thomas,* 101 Ga. 89; *Ferguson* v. *Lucas Co.,* 44 Iowa 701; *Reid* v. *Quigley,* 16 Oh. 445; *Ex Parte Cockcroft,* 104 U. S 578; *Ex Parte Cutting,* 94 U. S. 14; *People* v. *Lynch,* 54 N. Y. 681. Likewise where the statute specifies that appeals may be brought by "parties aggrieved" it has been quite generally held that only parties to the original record are contemplated. *Stewart* v. *Duncan,* 40 Minn. 410; *Investment Co.* v. *Kennedy,* (Tex.) 123 S.W. 150; *Burleson* v. *Henderson,* 4 Tex. 49; *Matter of Bate,* 56 Cal. 135; *People* v. *Pfeffer,* 59 Cal. 89; *Cecil* v. *Cecil,* 19 Md. 72; *Penniman* v. *French,* 2 Mass. 140: Contra; *Stevenson* v. *Shriver,* 9 Gill & J (Md.) 324; *Hall* v. *Zack,* 32 Md. 253. Where, however, the statute uses the word "person" instead of "party" the weight of authority is with the principal case. The courts hold that by "person aggrieved" is meant anyone who can show that his interests have been injuriously affected by the judgment in the original action. *Nolan* v. *Jones,* 108 Mo. 436; *Wilson* v. *Wallace,* 64 Miss. 13; *Wentworth* v. *Trainor,* 31 N. H. 528; *Pierce* v. *Gould,* 143 Mass. 234; *Andress* v. *Andress,* 46 N. J. Eq. 528; *Henry* v. *Jennes,* 47 Oh. St. 116, 24 N. E 1077; *Weer* v. *Gand,* 88 Ill. 490; *Mutual Life Ins. Co.* v. *Houchins,* 52 La. Ann. 1137; *Dickerson's Appeal,* 55 Conn. 223. Other courts hold that in contemplation of law no person can be deemed to be aggrieved who is not a party to the original proceedings, either directly or indirectly. *Gannon* v. *Doyle,* 16 R. I. 726; *Culpeper* v. *Gorrell,* 20 Grat. (Va.) 519; *Southern Railroad Co.* v. *Glenn,* 102 Va. 536; *Parker* v. *Reynolds,* 32 N. J. Eq. 290; *Veazie Bank* v. *Young,* 53 Me. 555; *Labar* v. *Nichols,* 23 Mich. 310. It is submitted that the cases last cited announce the rule which is technically correct for the reason that one not a party to the record is not concluded thereby and therefore has lost none of his rights by reason of the judgment. On the other hand the more liberal construction has the advantage of furnishing to an interested party a more simple, direct and adequate remedy.